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6 **UNITED STATES DISTRICT COURT**  
7 **DISTRICT OF NEVADA**  
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9 PAWS UP RANCH, LLC, et al., )  
10 Plaintiff(s), ) Case No. 2:12-cv-01547-GMN-NJK  
11 vs. ) ORDER  
12 CHRISTOPHER GREEN et al., )  
13 Defendant(s). )  
14 \_\_\_\_\_)

15 Before the Court is the parties' Stipulated Protective Order (Docket No. 196), which the  
16 Court approved to facilitate discovery in this case. This order reminds counsel that there is a  
17 presumption of public access to judicial files and records. A party seeking to file a confidential  
18 document under seal must file a motion to seal and must comply with the Ninth Circuit's directives  
19 in *Kamakana v. City and County of Honolulu*, 447 F.3d 1172 (9th Cir. 2006).

20 The Court has adopted electronic filing procedures, and with a few exceptions not applicable  
21 here, the Clerk of the Court no longer maintains paper records. Special Order 109 requires the Clerk  
22 of the Court to maintain the official files for all cases filed on or after November 7, 2005, in  
23 electronic form. The electronic record constitutes the official record of the court. Attorneys must file  
24 documents under seal using the Court's electronic filing procedures. *See* Local Rule 10-5(b). That  
25 rule provides:

26 Unless otherwise permitted by statute, rule or prior Court order, papers filed  
27 with the Court under seal shall be accompanied by a motion for leave to file  
28 those documents under seal, and shall be filed in accordance with the Court's  
electronic filing procedures. If papers are filed under seal pursuant to prior  
Court order, the papers shall bear the following notation on the first page,

1 directly under the case number: "FILED UNDER SEAL PURSUANT TO  
2 COURT ORDER DATED \_\_\_\_\_. All papers filed under seal will  
3 remain sealed until such time as the Court may deny the motion to seal or  
4 enter an order to unseal them, or the documents are unsealed pursuant to  
5 Local Rule.

6 *Id.* Documents filed under seal are not accessible to the public.

7 The Court has approved the blanket protective order to facilitate discovery exchanges. But  
8 there has been no showing, and the Court has not found, that any specific documents are secret or  
9 confidential. The parties have not provided specific facts supported by declarations or concrete  
10 examples to establish that a protective order is required to protect any specific trade secret or other  
11 confidential information pursuant to Rule 26(c) or that disclosure would cause an identifiable and  
12 significant harm. The Ninth Circuit has held that there is a presumption of public access to judicial  
13 files and records and that parties seeking to maintain the confidentiality of documents attached to  
14 nondispositive motions must show good cause exists to overcome the presumption of public access.  
15 See *Kamakana* 447 F.3d at 1179. Parties seeking to maintain the secrecy of documents attached to  
16 dispositive motions must show compelling reasons sufficient to overcome the presumption of public  
17 access. *Id.* at 1180.<sup>1</sup>

18 If the sole ground for a motion to seal is that the opposing party (or non-party) has  
19 designated a document as subject to protection pursuant to the stipulated protective order, the  
20 movant must notify the opposing party (or non-party) at least seven days prior to filing the  
21 designated document. The designating party must then make a good faith determination if the  
22 relevant standard for sealing is met. To the extent the designating party does not believe the  
23 relevant standard for sealing can be met, it shall indicate that the document may be filed publicly no  
24 later than four days after receiving notice of the intended filing. To the extent the designating party  
25 believes the relevant standard for sealing can be met, it shall provide a declaration supporting that  
26 assertion no later than four days after receiving notice of the intended filing. The filing party shall

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27 <sup>1</sup> Additional information regarding the requirements for filing under seal can be found at *The*  
28 *Vaccine Center LLC v. GlaxoSmithKline LLC*, 2013 U.S. Dist. Lexis 68298 (D. Nev. May 14, 2013)  
(discussing, *inter alia*, the standards for sealing, standard for redaction rather than sealing entire  
documents, and impact of the stipulated protective order on a motion to seal).

1 then attach that declaration to its motion to seal the designated material. If the designating party  
2 fails to provide such a declaration in support of the motion to seal, the filing party shall file a motion  
3 to seal so indicating and the Court may order the document filed in the public record.<sup>2</sup>

4 **IT IS ORDERED** that counsel shall comply with the requirements of Local Rule 10-5(b),  
5 the Ninth Circuit's decision in *Kamakana*, 447 F.3d 1172, and the procedures outlined above, with  
6 respect to any documents filed under seal.

7 DATED: March 20, 2014

8   
9 NANCY J. KOPRE  
United States Magistrate Judge

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26 <sup>2</sup> In the event of an emergency motion, the above procedures shall not apply. Instead, the  
27 movant shall file a motion to seal and the designating party shall file a declaration in support of that  
28 motion to seal within three days of its filing. If the designating party fails to timely file such a  
declaration, the Court may order the document filed in the public record.